



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/171545

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 21, 2016, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Dane County Dept. of Human Services in regard to child care assistance, a hearing was held on March 2, 2016, at Madison, Wisconsin, with the ALJ appearing by telephone.

The issue for determination is whether child care should be authorized for January, 2016 due to confusing notices.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, Wisconsin 53703

By: [REDACTED]  
Dane County Dept. of Human Services  
1819 Aberg Avenue  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner received child care assistance in 2015. On December 21, 2015, she reported that her husband's income had decreased and that she had a new job. The county requested verification of the new information with a due date of December 31.
3. By a notice dated December 28, 2015, the county informed petitioner that her child care authorization was ending January 2, 2016.

4. Verification was not received by the due date. By a notice dated January 4, 2016, the county informed petitioner that "eligibility for Child Care authorizations is ending January 31, 2016," because she did not provide verification.
5. Petitioner dropped off the verification on January 4, 2016. On January 11, 2016 a worker told petitioner that based upon the new employment information the household was over the child care income limit. Because the case was pending closed no additional notice was sent.
6. Petitioner continued to take her children to the child care center after January 2. She filed this appeal to contest the ending of the authorization that date.

### **DISCUSSION**

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); W-2 Manual, §15.2.0. If both parents are in the household both must be working or attending W-2 activities. Wis. Admin. Code, §DCF 101.26(1).

The Wisconsin Shares Child Care Assistance Manual (hereafter "Manual") sets policy for operating the program. §2.2.16 of the Manual provides that when a change is reported, any ongoing authorization should be ended the Saturday after it was reported. There is no 10-day requirement for ending an authorization. Authorization notices are sent on Mondays, so if the change was entered during the week prior to December 28, the notice would go out on Monday, December 28, ending the authorization the following Saturday, January 2. Manual, §2.2.17.

Petitioner was confused because she then received the January 4 notice. However, that notice did not tell her that she was authorized for January. It said that eligibility for authorizations was ending January 31, 2016. The end of the authorization January 2 still was effective.

I conclude that I cannot authorize child care for the period after January 2. Petitioner misunderstood the January 4 notice, but that is not a basis for changing the authorizations as processed by the county agency.

### **CONCLUSIONS OF LAW**

The county correctly ended petitioner's current child care authorization on January 2, 2016 after she reported a change; because the change ended eligibility there is no basis to extend the authorization beyond that date.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 10th day of March, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 10, 2016.

Dane County Department of Human Services  
Child Care Benefits